

REMARKS

In a final office action dated 24 November 2003, the Examiner rejects claims 27-29 and 35-51. In response to the final office action, Applicants respectfully traverse the rejections to the claims. Claims 27-29 and 35-51 remain pending in the application. In light of the below arguments, Applicants respectfully request that the Examiner allow all pending claims and allow this application.

The Examiner rejects claim 27 and 37 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Number 5,737,706 A issued to Seazholtz et al. (Seazholtz). In order for anticipation rejection to be proper, each and every claim element of the claim must be found either expressly or inherently in a single prior art reference. See MPEP §2131. See also Verdegaal Bros. V. Union oil Co. of California, 814 F.2d 628, 631 (Fed. Cir. 1987).). Moreover, the single source must disclose all of the claimed elements "arranged as in the claim." *Structural Rubber Prods. Co. v. Park Rubber Co.*, 749 F.2d 707, 716, 223 U.S.P.Q. 1264, 1271 (Fed. Cir. 1984). The Examiner has failed to provide evidence that all claimed elements are expressly and or inherently in the single prior art reference of Seazholtz as the elements are arranged in the claim.

Claim 27 recites the step of "sending the message at said particular time." Seazholtz does not teach any of this limitation. Instead, Seazholtz teaches a method in which a handset in a wireless system enters a sleep mode and wakes up at a particular time to receive a Temporary Equipment Identifier (TEI) message. Col. 8, lines 35-49. The TEI message includes identifications of those handsets that have data that must be sent to the handset. Col. 8, lines 44-45. A handset awakes to receive the TEI message and determine if the identifier of the handset is included in the message. If the identifier for the handset is included in the TEI message, the handset exits sleep mode to receive the data. *Id.* In the system,

taught by Sezholtz, the handset or mobile computer is to wake up at a certain time to receive a message. In the claimed invention, the mobile computer will "wake-up" to send a message. In the claimed invention, the mobile computer must periodically transmit a message to avoid being disconnected from the network. However, in the system taught by Sezholtz, this is not a concern as a mobile telephone is not concerned about being disconnected from the network. Instead, Sezholtz is concerned only with saving power between transmissions over a datalink and there is no problem with a cellular telephone being disconnected with a network. For this reason, Sezholtz does not teach each and every claim element as arranged in claim 27. Therefore, Applicants respectfully request that the rejection of claim 27 be removed.

More particularly, Applicants contend that Sezholtz does not teach sending a message at a particular time. Specifically, Sezholtz teaches the following happens when a mobile Device awakes. "When the ME-S awakes, it **waits until it receives a notification message**. (Emphasis added) If the TEI of the M-ES is on the list, it notifies the network that is ready to receive that it is ready to receive the data. IF the TEI and M-ES is not on that list, the M-ES goes back to sleep for another period of time specified by parameter T204." Col. 9, lines 38-46. From this passage, it is obvious that Sezholtz is teaching that at wake-up the handset listens for a message and only transmits a message if a received message indicates that data is waiting for the mobile device. Thus, the handheld device does not send a message at the specified time. Instead, it listens for a message at the specified time and only transmits a message if the received message indicates there is data for the mobile device. As stated above, the claimed invention transmits a message at the specified time in order to maintain a connection to the network. Therefore, a message must be sent at a specified time. Thus, Sezholtz does not teach the element of sending the message at the specified time as recited in claim 27. For these reasons, Applicants respectfully request that the rejection of claim 21 be removed and claim 27 be allowed.

Claims 28-36 are dependent upon claim 27. Thus, claims 28-36 are allowable for at least the same reasons as claim 27 and all rejections to claims 28-36 should be removed. Therefore, Applicants respectfully request that claims 28-36 be allowed.

Claim 37 is a mobile computer terminal configured to perform the method of claim 27. Thus, claim 37 is allowable for at least the same reasons as claim 27 and the rejection to claim 37 should be removed. Therefore, Applicants respectfully request that claim 37 be allowed.

Claims 38-41 are dependent upon claim 37. Thus, claims 38-41 are allowable for at least the same reasons as amended claim 37 and the rejections to claims 38-41 should be removed. Therefore, Applicants respectfully request that claims 38-41 be allowed.

Claim 42 is rejected under 35 U.S.C. §103(a) over admitted prior art in view of Seazholtz. Claim 42 recites programming a timer to wake-up the unit in time to transmit a message to avoid being disconnected. This is not taught by the admitted prior art. This is also not taught by Seazholtz for the reasons given above with respect to claim 27. Thus, the combination of the admitted prior art and Seazholtz do not teach this limitation. Therefore, the rejection to claim 42 must be removed. Applicants respectfully request that claim 42 be allowed.

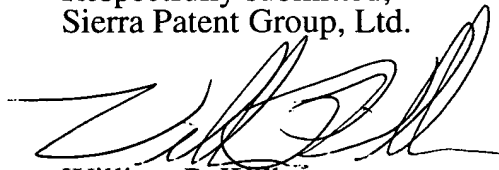
Claims 43-46 are dependent upon claim 42. Thus, claims 43-46 are allowable for at least the same reasons as claim 42. Therefore, the rejections to claims 43-46 must be removed and Applicants respectfully request claims 43-46 be allowed.

Claim 47 is the method performed by a device such as the device claims in claim 42. Thus, claim 47 is allowable for at least the same reasons as claim 42. Thus, the rejection to claim 47 should be removed and Applicants respectfully request claim 47 be allowed.

Claims 48-51 are dependent upon claim 47. Thus, claims 48-51 are allowable for at least the reasons as claim 47. Therefore, Applicants respectfully request that the rejections to claims 48-51 be removed and that claims 48-51 be allowed.

If the Examiner has a question about this response or the application in general, the Examiner is invited to telephone the Applicants at 775-586-9500.

Respectfully submitted,
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